

**B R E W E R**  
ATTORNEYS & COUNSELORS

November 15, 2019

**VIA ECF**

Hon. Christian F. Hummel  
United States Magistrate Judge  
United States District Court  
James T. Foley U.S. Courthouse  
445 Broadway, Room 441  
Albany, New York 12207

Re: *National Rifle Association of America v. Cuomo*, No. 18-cv-00566-TJM-CFH

Dear Judge Hummel:

My firm represents the National Rifle Association of America ("NRA"). I write to request a conference to discuss the NRA's intent to file a motion for leave to amend its complaint to re-plead its selective enforcement claim. As the Court is aware, Judge McAvoy's May 9, 2019 Order dismissed said claim without prejudice to re-pleading. The May 9 Order indicated that the NRA needed to plead facts demonstrating Defendants had knowledge of comparators whose affinity insurance programs contained similar purported violations for which Defendants targeted the NRA. Supportive facts have emerged through discovery and investigative efforts; DFS's recent hostilities against yet another NRA-related insurance underwriter, AGIA, also bolster the NRA's selective-enforcement claim. The NRA's proposed Second Amended Complaint will contain those allegations.

The NRA conferred with Defendants on November 12 and 14, 2019, and the Defendants indicated they are opposed to the motion.

The NRA is available for an in-person or telephonic conference regarding this request at the Court's earliest convenience. Thank you for your consideration of this matter.

Respectfully,



John Canoni

cc: All Counsel of Record (via ECF)  
4827-8639-7100, v. 2